

# **North Little Rock Board of Adjustment**

## **Minutes**

**November 19, 2009**

The regular meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 11:32 A.M. in the Planning Office (Conference Room B).

### **Members Present**

Debra Roberts  
Jimmy Phillips  
Tom Brown  
Andy Hight  
Carl Jackson, Chairman

### **Members Absent**

### **Staff Present**

Robert Voyles, Planning Director  
Wade Dunlap, City Planner

### **Others Present**

Joe Murdaugh  
Kim Murdaugh  
Robert Tilmon  
Gene Pfeifer

### **Approval of Minutes**

Chairman Jackson called for approval of the minutes and Ms. Roberts made a motion for approval with Mr. Brown seconding and the motion passed unanimously.

### **Old Business**

None

### **New Business**

1. BOA CASE #1437 – Mr. Joe Murdaugh, Murdaugh Masonry; 7505 Young Road, Part of the SE1/4 NW1/4, Section 13, T-2-N, R-13-W Pulaski County, Arkansas, more particularly described as follows: Commence at the NE corner of said SE1/4 NW1/4, Section 13; thence S 00 40' 15" W along the east line of said SE1/4 NW1/4, 456.0 feet; thence S 55 00' W, 25.0 feet to the point of beginning; thence S 38 13' 36" W, 380.23 feet; thence N 64 10' W, 132.0 feet; thence N 57 35' 40" E, 114.0 feet; thence N 55 00' E, 315.0 feet to the point of beginning. The request is to allow a chain link fence in the front yard with barbed wire and a total height 7 ft., and allowing a side yard fence with barbed wire and a height of 7 ft.

Chairman Jackson stated the case number, the applicant's name and requested that the applicant come before the Board. Mr. Murdaugh came forward and Mr. Gene Pfeifer was sworn in as well to give testimony on the case. A brief video of the property was shown by Planning Department staff. Mr. Voyles explained the case situation involving rezoning and conditional use for a landscaping business by the previous owner, and City ownership of neighboring property as well as the illegal subdivision status of the property. Chairman Jackson asked for a hardship statement from the applicant. Mr. Murdaugh stated that the need for the fence was for protection of his equipment and materials for his masonry business and the need for outside storage and the lack of an adequate area behind the building due to the lot layout. Mr. Dunlap read the allowances for fencing with barbed wire to the Board, with a total height not exceeding 6 ft. including the barbed wire in the side yards. Mr. Voyles explained to the board what area of the property he believed that staff could approve by right and Mr. Murdaugh explained that that would not alleviate his hardship as he has a lot of heavy equipment. Mr. Jackson asked about Knox boxes for Fire Department access for the two gates. Mr. Murdaugh showed pictures of other front fences in the area.

Mr. Jackson asked for comments from the audience and Mr. Pfeifer came forward to speak. Mr. Pfeifer spoke of how the property and area was developed outside of NLR regulations and how it should be annexed before any further development is allowed to occur. He stated that the applicant has walked into the hardship knowingly. He stated that he has offered the Young Road property owners the opportunity for matching ½ of the improvements needed to bring the area up to similar standards as the Northshore Business Park. Mr. Pfeifer requested the Board to not approve the variance request or for any City Board to take action on such requests in the area until it was annexed into the City.

Mr. Voyles stated that a petition request had been sent by the Planning Dept. to property owners within the pocket of Pulaski County along Young Road for a voluntary annexation. Staff is awaiting response on that letter. Discussion ensued on the property boundary of the City's land to the east and plans for the land. Discussion then began on how to allow an aesthetically acceptable

fence in the front of the property. Mr. Murdaugh suggested a masonry wall of split faced CMU. Discussion followed about the aesthetics of this proposal. The Chairman called for a motion and Mr. Hight asked if the Board could make conditions upon the approval such as type of materials and Ms. Roberts suggested brick with wrought-iron or the split faced CMU. That question was affirmed.

Ms. Roberts made a motion that a front yard fence be permitted on condition that on the east side, to be considered front yard adjacent the easement, will be split faced CMU buff colored, and allowing the side and back yard fencing to be chain link with barbed wire. Mr. Brown seconded the motion and the Mr. Voyles asked if the gates were going to be included in the conditions and Ms. Roberts added that the gates be black vinyl coated chain link with Knox Box access for the Fire Department. Chairman Jackson called for the vote and the motion passed with 5 yes votes.

2. BOA Case # 1438 – Mr. Robert Tilmon, St. Stephen Baptist Church; 312 N. Laurel Street, legally described Lot 3, Block 18, Choctaw Addition. The request is to allow a 1ft. side yard setback variance from the required 6 ft. in a C-4 zone for a duplex (non-conforming use).

Chairman Jackson stated the case number, the applicant's name and requested that the applicant come before the Board. Chairman Jackson swore in the applicant, Mr. Tilmon. The staff recorded video was shown and Mr. Tilmon stated his hardship of a substandard lot and the need for expanding the duplex. Mr. Dunlap showed that the additions would be in line with the existing building line with no negative impact on the vacant property to the north and recommended approval. Ms. Roberts moved that the request be approved based on the stated hardship. Mr. Phillips seconded the motion. The roll was called and the motion passed unanimously. The Chairman reminded the applicant to get proper permits and was reminded that he had remodeling permits and would still need to get a permit for the approved room additions.

### **Administrative:**

None

### **PUBLIC COMMENT/ADJOURNMENT:**

Ms. Roberts made the motion to adjourn at 12:19 pm and there was no dissent.

**PASSED:** \_\_\_\_\_ **RESPECTFULLY SUBMITTED:**

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**CARL JACKSON, CHAIRMAN**

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**ROBERT VOYLES, DIRECTOR**